

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DWAYNE BRUMMELL, *individually*
and on behalf of all other persons
similarly situated,

MEMORANDUM AND ORDER

Case No. 1:19-CV-5488-FB-RML

Plaintiff,

-against-

K1 HVAC INC. and KRISHNADAT
SING,

Defendants.

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BLOCK, Senior District Judge:

On August 13, 2021, Magistrate Judge Robert Levy issued a Report and Recommendation (“R&R”) recommending that plaintiff’s motions for default judgment against defendants K1 HVAC Inc. and Krishnadat Sing be granted and that plaintiff be awarded \$44,705.26 in damages, consisting of \$5,667.75 in unpaid minimum wage compensation, \$3,770.88 in unpaid overtime wages, \$9,438.63 in liquidated damages, \$10,000 for wage notice and wage statement violations, \$15,288 in attorney’s fees, and \$540 in costs, plus pre-judgments and post-judgment interest. ECF No. 25 at 21. Magistrate Judge Levy further recommended that defendants K1 HVAC Inc. and Krishnadat Sing be held jointly and severally liable for the awarded judgment. *Id.* at 9.

Magistrate Judge Levy's R&R stated that failure to object within fourteen days of the date of the R&R waives the right to appeal. No objections were filed.

If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) ("Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.") (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here.

Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
August 31, 2021